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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,064	09/16/2003	Zaki A. Kahn	059121.00006	2049

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ELEY LAW FIRM CO.
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EXAMINER

EDELL, JOSEPH F

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/663,064	Applicant(s) KAHN ET AL.	
	Examiner Joseph F. Edell	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-20 is/are pending in the application.
- 4a) Of the above claim(s) 16-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-15 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings were received on 27 March 2006. These drawings are acceptable.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 8, 9, and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,984,397 to Dawson et al.

Dawson et al. disclose a seat that includes all the limitations recited in claims 1-3, 8, 9, and 12-15. Dawson et al. show a seat having a seat cushion 32 (see Fig. 1) with a forward portion, a rearward portion, a top portion, a bottom portion, and a first frame 60 (see Fig. 3); a forward support leg 36 (Fig. 2 shows the support leg in located in the forward portion of the seat) pivotally coupled to the bottom portion of the seat cushion proximate the forward portion and adapted to contact the floor of a vehicle when the seat cushion is horizontal; an anchor member 21 pivotally coupled to the first frame proximate the rearward portion of the seat cushion (as shown in Fig. 2) and adapted to engage a structural portion of the vehicle; a seatback 34 with an upper portion, a lower

portion, and a second frame 50; a moveable headrest (upper area of 132 - see also column 7, lines 24-26) coupled to the upper portion of the seatback wherein the second frame of the seatback is pivotably coupled at 35 to the anchor member proximate the lower portion of the seat back via intermediary first frame of the seat cushion and support plates 62, the forward support leg automatically folds into a stowed position proximate the bottom portion of the seat cushion when the seat cushion is pivoted upwardly and automatically unfolds into an extended position perpendicular to the seat cushion when the seat cushion is pivoted downwardly (folding/unfolding controlled by link member 85), the seat cushion is upwardly pivotable to a vertical position (see Fig. 5) proximate and facially adjacent the seatback, and the seatback is downwardly pivotable to a horizontal position (see Fig. 8) proximate and facially adjacent the seat cushion.

With respect to claims 8 and 9, the seatback is releasably retained in at least one position by a latch actuated by a lever 66 to release the latch when the seatback is pivoted (see column 7, lines 16-18), and the seatback is releasably retained in either a first vertical position (see Fig. 1) and a second horizontal position (see Fig. 8).

With respect to claim 12, the seat being part way to its stowed position provides a visual indication when the seat is not in a retained position.

With respect to claims 13-15, the headrest is linked to the seat back (outer frame 130, 131 is linked to inner frame 170 connected to the headrest are of center squab 132) such that the headrest advances toward a stowed position as the seatback is downwardly pivoted and the headrest advances toward an extended position as the

seatback is upwardly pivoted, the headrest is biased toward a stowed position (see column 6, lines 61-65) and releasably retained in an extended position, and a passenger is deterred from utilizing the seat when the headrest is not in an extended position (Fig. 5 shows a seat position with the headrest not in an extended position wherein the passenger is deterred from utilizing the seat).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dawson et al. in view of U.S. Patent No. 5,826,942 to Sutton et al.

Dawson et al. disclose a seat that is basically the same as that recited in claims 4, 10, and 11 except that the headrest lacks a pivotably coupling to the seatback and a third latch, as recited in the claims. Sutton et al. show a seat similar to that of Dawson et al. wherein the seat has a seat cushion 14 (see Fig. 1), a seatback 16, a headrest 24 pivotably coupled to the seatback, and a latch 88 (see Fig. 3) that may be actuated by lever 90 to releasably retain the headrest in a first extended position or a second stowed position. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seat of Dawson et al. such that the headrest area of the center squab 132 includes a vertically adjustable headrest that is

pivotably coupled to the seatback and a latch that may be actuated by a lever to releasably retain the headrest in a first extended position aligned with the seatback or a second stowed position perpendicular to the seatback, such as the seat disclosed in Sutton et al. One would have been motivated to make such a modification in view of the suggestion in Sutton et al. that the headrest configuration provides an independently adjustable headrest that is controllably adjustable between an upright use position and a flat stowed position for facilitating the folding of the seatback.

6. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dawson in view of U.S. Patent No. 5,707,103 to Balk, and claims 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dawson in view of Sutton et al. as applied to claims 4, 10, and 11 above, and further in view of Balk.

Dawson et al., as modified, disclose a seat that is basically the same as that recited in claims 6, 7, and 20 except that the seat cushion lacks a first lever to release the first latch, as recited in the claims. See column 3, lines 16-18 of Dawson et al. for the teaching that the plate 38 releasably engages the vehicle floor via a latch, and see Figures 2 and 5 of Dawson et al. for the teaching that the seat cushion is releaseably retained either in a first horizontal position or a second vertical position. Balk shows a seat similar to that of Dawson et al. wherein the seat has a seat cushion 12 (see Fig. 1), a latch 20 to releasably retain the seat cushion, and a lever 60 that may be actuated to release the latch when the seat cushion is pivoted. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the seat of Dawson et al. such that the latch of the seat cushion may be

actuated by a first lever to release the latch when the seat cushion is to be pivoted, such as the seat disclosed by Balk. One would have been motivated to make such a modification in view of the suggestion in Balk that the lever of the seat cushion's latch is well known in the art as a way to release a seat cushion latch.

Response to Arguments

7. Applicant's arguments with respect to claims 1-4, 6-15, and 20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to seats: U.S. Pat. No. 5,671,948 to Susko et al., and U.S. Pat. No. 6,742,841 B1 to Soditch et al.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Joe Edell". The signature is written in a cursive, flowing style.

Joe Edell
June 27, 2006